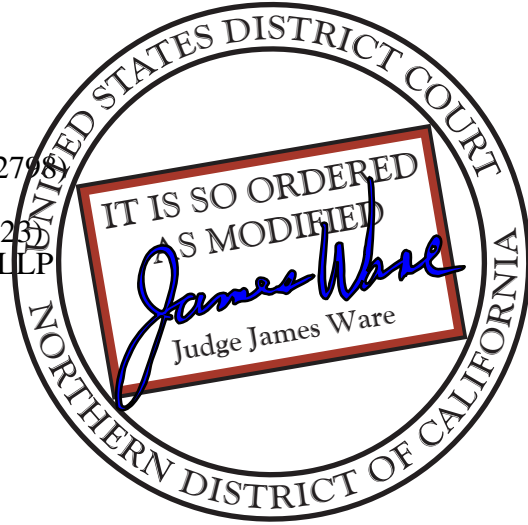


STEPHEN HOHS
61 Cherry Crest Lane
San Jose, California 95136
Telephone: (408) 225-4353

Plaintiff, *Pro Se*

CYNTHIA L. MELLEMA (State Bar No. 122798)
JEFFRY BUTLER (State Bar No. 180936)
MICHELLE BRADLEY (State Bar No. 221323)
SONNENSCHN NATH & ROSENTHAL LLP
2121 N. California Blvd., Suite 800
Walnut Creek, California 94596
Telephone: (925) 949-2600
Facsimile: (925) 949-2610

Attorneys for Defendant
ALLSTATE INSURANCE COMPANY



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEPHEN M. HOHS,

Plaintiff,

vs.

ALLSTATE INSURANCE COMPANY
and DOES 1 through 100, inclusive,

Defendants.

No. C 08-02177 JW

STIPULATION AND [PROPOSED]
ORDER CONTINUING TRIAL

Pursuant to Civil L.R. 7-1, 7-12 and 40-1, the parties, by and through their respective counsel of record, hereby stipulate and agree as follows and respectfully request that the Court approve and give effect to their stipulation:

Allstate noticed its Motion For Summary Judgment Or, In The Alternative, Partial Summary Judgment (the "Motion") for hearing on November 23, 2009;

The Court continued the hearing on the Motion to February 1, 2010;

Pursuant to the Court's September 10, 2009 order, the parties' joint pretrial conference statement, *in limine* motions and proposed jury instructions are due February 8, 2010, only seven days after the hearing on the Motion; and

The parties want to maximize judicial efficiency and conserve resources by limiting trial preparation activities until the Court has had the opportunity to rule on the Motion and potentially narrow the issues for trial or eliminate the need for trial.

THEREFORE, IT IS AGREED AND STIPULATED THAT the new trial and attendant dates are as follows:

- | | |
|---|----------------|
| 1. Joint pretrial statement, <i>in limine</i> motions | |
| and proposed jury instructions due | April 13, 2010 |
| 2. Final pretrial conference | May 17, 2010 |
| 3. Jury selection | June 1, 2010 |
| 4. Trial | June 2, 2010 |

IT IS SO STIPULATED.

FILER'S ATTESTATION:

Pursuant to General Order No. 45, section X(B) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

DATED: November 5, 2009

By: /s/ MICHELLE A. BRADLEY
Michelle Bradley

Dated: November 5, 2009

STEPHEN HOHS

By /s/ Stephen Hohns
STEPHEN HOHS

Plaintiff *Pro Se*

1 Dated: November 5, 2009

SONNENSCHN NATH & ROSENTHAL LLP

3
4 By /s/ Michelle A. Bradley

MICHELLE BRADLEY

5 Attorneys for Defendant
6 ALLSTATE INSURANCE COMPANY

7 ORDER


8 The parties having stipulated thereto and good cause appearing, IT IS HEREBY ORDERED
9 THAT the new trial and attendant dates are as follows:

- 10 1. Joint pretrial statement, *in limine* motions **March 15, 2010**
11 and proposed jury instructions due
12 2. Final pretrial conference **April 12, 2010 at 11 a.m.**
13 3. Jury selection **April 27, 2010 at 9 a.m.**
14 4. Trial
15 **April 28-30, 2010, 1 p.m. - 4 p.m.**
16 **May 4-7, 2010, 1 p.m. - 4 p.m.**
Submit: May 11, 2010 at 1 p.m.

17 In light of this Order and the Clerk's Notice moving the hearing on Defendant's Motion for
18 Summary Judgment from November 23, 2009 to **February 1, 2010 at 9 a.m.**, Plaintiff's request
19 for extension of time to file an Opposition is moot. (Docket Item No. 25.) The Court reminds
20 Plaintiff that even though he is *pro se*, all requests requiring the Court to take action must be filed
21 as a Motion in accordance with the Civil Local Rules of Court and not by personal letter to the
22 Court.
23

24 Plaintiff shall file his Opposition, if any, to Defendant's Motion for Summary Judgment on
25 or before **January 11, 2010**. Defendant's Reply, if any, shall be filed on or before
26 **January 19, 2010**.

27 Dated: November 19, 2009

28 
JAMES WARE
United States District Judge